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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PATENT

Gerd Anton THIRY et al. :

Serial No.: 10/580,197 : Art Unit:

Filed: May 23, 2006 : Examiner:

For: **CIRCUIT ARRANGEMENT** :

**SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

Mark S. Bjeks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036
(202)659-9076

Dated: March 22, 2007

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

BARTELS UND PARTNER
Lange Strasse 5
70174 Stuttgart
ALLEMAGNE

Bartels und Partner
Patentanwälte

Received: 18. OKT. 2006

TERMIN

Date of mailing (day/month/year) 12 October 2006 (12.10.2006)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 40cdh/229309	
International application No. PCT/EP2004/013927	International filing date (day/month/year) 08 December 2004 (08.12.2004)
Applicant HYDAC FLUIDTECHNIK GMBH et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No. +41 22 338 82 70	Facsimile No. +41 22 338 82 70

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 40cdh/229309	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/013927	International filing date (<i>day/month/year</i>) 08 December 2004 (08.12.2004)	Priority date (<i>day/month/year</i>) 05 February 2004 (05.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant HYDAC FLUIDTECHNIK GMBH			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Date of issuance of this report 03 October 2006 (03.10.2006)</td> </tr> <tr> <td style="width: 50%;">Authorized officer</td> <td style="width: 50%; text-align: center;">Ellen Moyse</td> </tr> <tr> <td colspan="2">e-mail: pt05@wipo.int</td> </tr> </table>	Date of issuance of this report 03 October 2006 (03.10.2006)		Authorized officer	Ellen Moyse	e-mail: pt05@wipo.int	
Date of issuance of this report 03 October 2006 (03.10.2006)							
Authorized officer	Ellen Moyse						
e-mail: pt05@wipo.int							

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

40cdh/229309

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/013927

International filing date (day/month/year)

08.12.2004

Priority date (day/month/year)

05.02.2004

International Patent Classification (IPC) or both national classification and IPC

F15B11/044, F15B11/16, F15B11/20

Applicant

HYDAC FLUIDTECHNIK GMBH

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013927

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013927

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 4, 6, 9-10

YES

Claims 1-3, 5, 7, 8

NO

Inventive step (IS)

Claims 4, 6

YES

Claims 9, 10

NO

Industrial applicability (IA)

Claims 1-10

YES

Claims

NO

2. Citations and explanations:

Reference is made to the following documents:

D1: US-A-4 756 298 (SPIEGELBERG ET AL.) 12 July 1988
(1988-07-12)

D2: FR-A-2 754 571 (REXROTH SIGMA) 17 April 1998 (1998-
04-17)

1. D1 exhibits all of the features of claim 1, namely:
a circuit arrangement (figure 3) with a load-sensing
system, in which arrangement individual consumers are
arranged, with respect to one another both in series so
as to form a series section 3, 7 and in parallel so as to
form a parallel section 1, in a hydraulic supply circuit
with at least one supply pump 4 and a return 21 for
fluid, with the load-sensing system determining the
respectively highest load pressure in the series section
(see, in figure 3, the control line which applies the
pressure in the line 23 to the left-hand side of the
valve, which pressure corresponds to the load pressure in
the series section) and the parallel section 25, with the
respectively highest load pressure being forwarded as
control pressure to a valve unit in such a way that, if
the load pressure of the parallel section is higher than

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013927

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

the load pressure of the series section, the valve unit throttles the return for fluid until the pressure of the supply pump rises to or above the pressure required in the parallel section (see column 4, lines 3-18).

2. The subject matter of claim 1 is likewise anticipated by D2 in a manner which is prejudicial to novelty (see, in figure 6, the parallel section 2, the series section 4 and the valve unit 7, 28 to which the load pressures LS and LS' are applied).

3. To the extent that claim 2 can be understood (see point 9.), said claim is anticipated by D1 in a manner which is prejudicial to novelty (see the consumers 3, 7 of the series section which are arranged parallel to the consumer 1).

4. The features introduced by claim 3 are known from D1 (see the proportional valve 24).

5. The features introduced by claim 5 are known from D2 (see the two-way valve 27 and the two-way valves, which are implicitly present in sections 2 and 4, for the control lines LS and LS').

6. The features introduced by claim 7 are known from D2 (see the recirculating pressure balance 12).

7. The features introduced by claim 8 are known from D1 (see the proportional throttle valve 6, 6').

8. The features introduced by claims 9-10 cannot be

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013927

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

considered inventive over D2 since unblockable return
valves, hydraulic motors and hydraulic working cylinders
are generally known.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013927

Box No. VIII

Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

9. Claim 2 is unclear. It is not possible to see how the consumers 10 of the series section can be arranged upstream of the parallel section 14 in the direction of fluid flow, since the series and parallel sections are arranged in parallel.